

# AFFIDAVIT OF NONDEVELOPMENT AND NONPAYMENT OF DELAY RENTALS

L0562744

I, Twila Ora Whipkey, a widow, of RD 5 Box 631, Cameron, WV 26033, being of lawful age and duly sworn, do hereby depose and state the following:

Affiant hereby states that (he/she) is the owner of an undivided interest in the oil and gas rights under certain lands situate in the District of Cameron, Marshall County, West Virginia, being further described as follows:

Tax Parcel No. map 15 parcel 51

Bounded formerly or currently as follows:

On the North by lands of: O.J. Yoho, est.  
 On the East by lands of: Jack R. Hammers, etal  
 On the South by lands of: O.J. Yoho, heirs;  
 On the West by lands of: John D. McConaughy, atux; Terry W. Artill, etux

And more specifically described in a deed dated December 15, 1995, from Jack R. Hammers and Freda Hammers, husband and wife, Paul Frederick Hammers and Sundra G. Hammers, husband and wife, Esther Nell Mason, widow, John H. Mason, divorced and not remarried, and Toni Jo Mason, unmarried, to Twila Ora Whipkey and recorded in Deed Book 615, at Page 142, of the deed records of said county and state.

Affiant further states that during the time of his/her ownership of the aforementioned rights in the above described lands, there (has/has-not) been various oil and gas leases executed for the purpose of exploring for oil and gas. Affiant is also aware that there may have been other oil and gas leases executed by predecessors in title to the above described lands. Affiant further states that for a period of at least 15 years there has been no delay rental payments paid to Affiant, in money or otherwise, nor have such payments been deposited to Affiant's credit in any named bank. Affiant further states that (he/she) will not accept any delay rental or other payments after the date of execution of this Affidavit that would perpetuate any of said prior leases.

Furthermore, Affiant states that to the best of (his/her) knowledge there is no production of oil and/or gas from the above described lands and that (he/she) is not aware of any drilling, exploration, or development activities of any nature or kind conducted on said lands. Affiant also states that no production royalties and/or shut-in royalties have been paid effectively perpetuating any prior leases.

Further Affiant sayeth naught.

AFFIANT:

Twila Ora Whipkey

Subscribed and sworn to before me on this 30<sup>th</sup> day of June, 2010

My Commission Expires: July 18, 2011

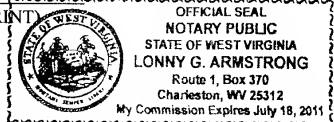
Lonny G. Armstrong  
Signature/Notary Public

Recorded in Book 615

Page 142

Lonny G. Armstrong  
Name/Notary Public (PRINT)

## ACKNOWLEDGMENT



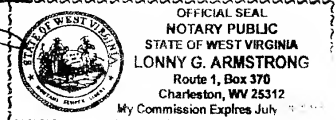
STATE OF West Virginia

COUNTY OF Marshall

On this the 30<sup>th</sup> day of June, 2010, before me, the undersigned authority, personally appeared Twila Ora Whipkey, widow, who, being duly sworn according to law, deposes and says that he executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Signature/Notary Public Lonny G. Armstrong  
 Name/Notary Public (print): Lonny G. Armstrong  
 My Commission Expires: July 18, 2011



This instrument prepared by: Chesapeake Appalachia, L.L.C., 6100 N. Western Avenue, Oklahoma City, OK 7311

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 30<sup>th</sup> day of June, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 20<sup>th</sup> day of October, 2010 at 11:10 o'clock P.M.

TESTE: Jan Pest Clerk.